IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION NO.2176 OF 2007

IN

SUIT NO.3144 OF 2004

Madhukar Bhiva Gaikwad : Plaintiff

versus

Sadashiv Shankar Jadhav

and another : Defendants.

Mr.L.H.Patil for the plaintiff.

Mss.Asmat Hippargi i/by R D'Mellow for the defendants.

CORAM : A.A.SAYED, J

DATED : OCTOBER 18, 2007.

P.C.

1. This notice of motion has been taken out by the plaintiff through his wife as his constituted attorney for expediting the hearing of the suit and fixing an early date of hearing.

2. The suit is filed for possession and

injunction restraining the defendants from entering the premises of the plaintiff. Affidavit in support of the notice of motion sets out various hardships suffered by the plaintiff, his wife and family on account of ill health of the Plaintiff and lack of space due to growing children. It is therefore prayed vide this Notice of Motion that this suit be expedited.

3. The defendants, who are step brothers of the Plaintiff, have filed their affidavit in reply. It is the contention of the defendants that earlier also the notice of motions were taken out by the plaintiff and the Notice of Motion No. 629 of 2006 has been dismissed on merits and the present Notice of Motion is taken out only to harass them.

4. I have heard the learned counsel for the parties. In my view, no case is made out for expediting the hearing of the suit. Hence the notice of motion is dismissed. No order as to costs.

[A.A.SAYED,J]